

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 321:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to provide for definitions, procedures, conditions, and limitations relating to the buying and selling of regulated metal property; to provide for powers, duties, and authority of sheriffs and other law enforcement officers; to provide for permits and fees; to provide for a state-wide data base; to provide for criminal offenses and penalties; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts; to provide for additional changes to said Code section, relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by revising Article 14, relating to secondary metals recyclers, to read as follows:

"ARTICLE 14

10-1-350.

As used in this article, the term:

(1) 'Aluminum property' means aluminum forms designed to shape concrete.

(2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

~~(1)~~(3) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

(4) 'Fixed site' means any site in this state occupied by a secondary metals recycler as an owner or a lessee of such site or in the case of a natural person, where such person resides, is primarily located, or primarily engages in business as a secondary metals recycler.

~~(2)~~(5) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

~~(3)~~(6) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

~~(4)~~(7) 'Person' means an individual, partnership, corporation, joint venture, trust, association, and any other legal business entity.

~~(5)~~(8) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or an appropriate work authorization issued by the U.S. Citizenship and Immigration Services of the Department of Homeland Security, which shall contain the individual's name, address, and photograph.

~~(6)~~(9) 'Purchase transaction' means a transaction in which a secondary metals recycler gives consideration in exchange for regulated metal property.

~~(7)~~(10) 'Regulated metal property' means any item composed primarily of any ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converter but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers.

~~(8)~~(11) 'Secondary metals recycler' means any person who is engaged, from a fixed location site or otherwise, in the business in this state of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

56 10-1-350.1.

57 (a) As used in this Code section, the term 'coil' means any copper, aluminum, or
58 aluminum-copper condensing coil or evaporation coil including its tubing or rods. The
59 term shall not include coil from a window air-conditioning system, if contained within the
60 system itself, or coil from an automobile condenser.

61 (b) No secondary metals recycler shall purchase any coil unless it is purchased from:

62 (1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his
63 or her valid license at the time of sale that is scanned or photocopied by the secondary
64 metals recycler or whose scanned or photocopied license is on file with the secondary
65 metals recycler; or

66 (2) A person with verifiable documentation, such as a receipt or work order, indicating
67 that the coils are the result of a replacement of condenser coils or a heating or
68 air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of
69 Title 43.

70 (c) No secondary metals recycler shall purchase any copper wire which appears to have
71 been exposed to heat, charred, or burned in an attempt to remove insulation surrounding
72 it unless it is purchased from:

73 (1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his
74 or her valid license at the time of sale that is scanned or photocopied by the secondary
75 metals recycler or whose scanned or photocopied license is on file with the secondary
76 metals recycler; or

77 (2) A person with a certified copy of a police report showing that such person's real
78 property was involved in a fire.

79 10-1-351.

80 (a) A secondary metals recycler shall maintain a legible record of all purchase transactions
81 to which such secondary metals recycler is a party. Such record shall include the following
82 information:

83 (1) The name and address of the secondary metals recycler;

84 (2) The date of the transaction;

85 (3) The weight, quantity, or volume and a description of the type of regulated metal
86 property purchased in a purchase transaction. For purposes of this paragraph, the term
87 'type of regulated metal property' shall include a general physical description, such as
88 wire, tubing, extrusions, or castings;

89 (4) A digital photograph or photographs or a digital video image or images of the
90 regulated metal property which shows the regulated metal property in a clear, undistorted
91 manner;

~~(4)~~(5) The amount of consideration given in a purchase transaction for the regulated metal property;

~~(5)~~(6) A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the regulated metal property or is entitled to sell the regulated metal property being sold;

(7) A signed statement from the person selling the regulated metal property stating that he or she understands that: 'A secondary metals recycler is any person who is engaged, from a fixed site or otherwise, in the business in this state of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. No ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converters (aluminum beverage containers, used beverage containers, or similar beverage containers are exempt), may be sold to a secondary metals recycler unless such secondary metals recycler is a holder of a valid permit issued pursuant to Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

~~(6)~~(8) A ~~photocopy~~ scanned or photocopied copy of a valid personal identification card of the person delivering the regulated metal property to the secondary metals recycler;

(9) A classifiable, electronically recorded thumbprint of the person delivering the regulated metal property to the secondary metals recycler;

~~(7)~~(10) The distinctive number from, and type of, the personal identification card of the person delivering the regulated metal property to the secondary metals recycler; ~~and~~

~~(8)~~(11) The vehicle license tag number or vehicle identification number, state of issue, and the type of vehicle, if available, used to deliver the regulated metal property to the secondary metals recycler. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck;

(12) A scanned or photocopied copy of the verifiable documentation, reports, and licenses required pursuant to Code Section 10-1-350.1; and

(13) A scanned or photocopied copy of the permit issued by the sheriff pursuant to Code Section 10-1-358, if the regulated metal property is purchased from a secondary metals recycler.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction. In addition, all of the information required by subsection (a) of this Code section, except for the scanned or photocopied copy of the permit specified in paragraph (13) of subsection (a) of this Code section, shall be provided to the sheriff of the

county from which the secondary metals recycler has received the permit under Code Section 10-1-358. The sheriff shall place or cause to be placed such information in the data base established under Code Section 10-1-358.

(c) When the metal being purchased is a motor vehicle, the person offering to sell the motor vehicle to a secondary metals recycler shall either provide the title to such motor vehicle or fully execute a ~~cancellation of certificate of title for scrap vehicles~~ statement on a form as promulgated by the Department of Revenue, Motor Vehicle Division, designated as MV-1SP, in accordance with Code Section 40-3-36. The secondary metals recycler shall forward the title or ~~MV-1SP~~ form to the Department of Revenue within 72 hours of receipt of the title or form.

10-1-352.

During the usual and customary business hours of a secondary metals recycler, a law enforcement officer shall, after properly identifying himself or herself as a law enforcement officer, have the right to inspect:

- (1) Any and all ~~purchased~~ regulated metal property in the possession of the secondary metals recycler; and
- (2) Any and all records required to be maintained under Code Section 10-1-351.

~~10-1-352.1. 10-1-353.~~

(a) ~~As used in this Code section, the terms:~~

(1) ~~'Aluminum property' means aluminum forms designed to shape concrete.~~

(2) ~~'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper~~ A secondary metals recycler shall pay only by check or electronic funds transfer for regulated metal property. Such check or electronic funds transfer shall not be made by the secondary metals recycler to the seller of regulated metal property for a period of 14 days immediately following the sale.

(b) ~~A secondary metals recycler may pay by check or by cash for any copper property, catalytic converter, or aluminum property as follows:~~

(1) ~~Cash payments shall occur no earlier than 24 hours after the copper property, catalytic converter, or aluminum property is provided to the secondary metals recycler; and~~

(2) ~~Checks shall be payable only to the person named who was recorded as delivering the copper property, catalytic converter, or aluminum property to the secondary metals recycler; provided, however, that if such person is delivering the copper property, catalytic converter, or aluminum property on behalf of a governmental entity or a nonprofit or for profit business, the check may be payable to such business or entity and~~

may also be transmitted to such business or entity. Any such check or electronic funds transfer shall be payable only to the person who was recorded as the seller of the regulated property to the secondary metals recycler and must be mailed to or electronically transferred using the address indicated on the personal identification card of the seller presented at the time of such sale; provided, however, that if the seller is an employee or authorized representative or agent of a business entity as evidenced by a copy of a valid business license and a letter from the owner or operator of the business expressly recognizing the seller as an employee or authorized agent or representative, the check or electronic transfer may be made payable to the business entity and mailed to or electronically transferred using the address of such business entity.

(c) ~~The provisions of this Code section shall not apply to any transaction between business entities.~~

~~10-1-353.~~ 10-1-354.

(a) Whenever a law enforcement officer has reasonable cause to believe that any item of regulated metal property in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the notice issued in accordance with this Code section, the secondary metals recycler receiving the notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the place of business of the secondary metals recycler for 15 calendar days after receipt of the notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the 15 day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the extended hold notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the extended hold notice issued in accordance with this Code section, the secondary metals recycler receiving the extended hold notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the place of business of the secondary metals recycler for 30 calendar days after receipt of

the extended hold notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this Code section, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the regulated metal property unless other disposition has been ordered by a court of competent jurisdiction.

~~10-1-354.~~ 10-1-355.

(a) If the secondary metals recycler contests the identification or ownership of the regulated metal property, the party other than the secondary metals recycler claiming ownership of any regulated metal property in the possession of a secondary metals recycler may, provided that a timely report of the theft of the regulated metal property was made to the proper authorities, bring an action in the superior or state court of the county in which the secondary metals recycler is located. The petition for such action shall include a description of the means of identification of the regulated metal property utilized by the petitioner to determine ownership of the regulated metal property in the possession of the secondary metals recycler.

(b) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has complied with the provisions of this article, and the person who sold the regulated metal property to the secondary metals recycler is convicted of theft by taking, theft by conversion, a violation of this article, theft by receiving stolen property, or criminal damage to property in the first degree, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the secondary metals recycler or lawful owner, as appropriate.

(c) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has knowingly and intentionally not complied with the provisions of this article, and the secondary metals recycler is convicted of theft by taking, theft by conversion, theft by receiving stolen property, or a violation of this article, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the lawful owner.

~~10-1-355.~~ 10-1-356.

This article shall not apply to purchases of regulated metal property from:

- (1) Organizations, corporations, or associations registered with the state as charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organizations or associations or from any nonprofit corporations or associations;
- (2) A law enforcement officer acting in an official capacity;

- (3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondary metals recycler;
- (4) Any public official acting under judicial process or authority who has presented proof of such status to the secondary metals recycler;
- (5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof has been presented to the secondary metals recycler; or
- (6) A manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

~~10-1-356:~~ 10-1-357.

It shall be unlawful for:

- (1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of ~~9:00~~ 7:00 P.M. and ~~6:00~~ 7:00 A.M.; and
- (2) Any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a secondary metals recycler in return for regulated metal property.

10-1-358.

(a) It shall be unlawful to sell regulated metal property in any amount to a secondary metals recycler unless the secondary metals recycler has a valid permit to purchase regulated metal property issued pursuant to this Code section and it shall be unlawful for any secondary metals recycler to purchase regulated metal property in any amount without a valid permit to purchase regulated metal property pursuant to this Code section.

(b) Each secondary metals recycler shall obtain from the sheriff of each county in which such secondary metals recycler's fixed sites are located a permit to purchase regulated metal property. The sheriff shall issue the permit to the secondary metals recycler if the secondary metals recycler has a fixed site located in the sheriff's county and declares on a form provided by the sheriff that he or she is informed of and will comply with the provisions of this article. The sheriff shall keep a record of all permits issued pursuant to this subsection containing, at a minimum, the date of issuance and the name and address of the permit holder. Such records shall be entered into an electronic data base accessible statewide. Such data base shall be established through coordination with the Georgia Bureau of Investigation and shall be searchable by all law enforcement officers in this state. The sheriff shall be authorized to assess a reasonable permit fee on the issuance of each permit for the purpose of establishing and maintaining the data base, not to exceed \$200.00. Each permit shall be valid for 12 months.

(c) Any person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature. Each violation shall constitute a separate offense.

~~10-1-357. 10-1-359.~~

~~(a) Any person selling regulated metal property to a secondary metals recycler in violation of any provision of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, in which case such person shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

~~(b) Any secondary metals recycler knowingly and intentionally engaging in any practice which constitutes a violation of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, such secondary metals recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

(a) Except as provided for in subsection (c) of Code Section 10-1-358, any person who buys or sells regulated metal property in violation of any provision of this article:

(1) For a first offense, shall be guilty of a misdemeanor;

(2) For a second offense, shall be guilty of a misdemeanor of a high and aggravated nature; and

(3) For a third or subsequent offense, shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than ten years.

(b) Any person who buys or sells regulated metal property in violation of any provision of this article shall be liable to any person who was the victim of a crime involving such regulated metal property for the full value of the regulated metal property and any repairs and related expense necessitated by the crime, plus court costs and reasonable attorney's fees.

~~10-1-358.~~ 10-1-359.1.

The General Assembly finds that although this article is a matter of state-wide concern, local regulation may nonetheless be appropriate in order to enhance further the ability of law enforcement personnel to perform their duties. ~~This article supersedes and preempts all~~ Consequently, this article shall be supplementary to local regulation and shall not supersede or preempt any rules, regulations, codes, ordinances, and other laws adopted by any county, municipality, consolidated government, or other local governmental agency regarding the sale or purchase of regulated metal property."

SECTION 1-2.

Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection (a) as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth ~~\$850.00~~ \$500.00 or less and is at least ~~12~~ 20 model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a secondary metals recycler under Code Section 10-1-351, a licensed used motor vehicle parts dealer under Code Section 43-47-7, or a licensed scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle, including the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth ~~\$850.00~~ \$500.00 or less;

(ii) Is at least ~~12~~ 20 model years old; and

(iii) Is not subject to any secured interest or lien;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;

(H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;

(I) A certification by the business that ~~\$850.00~~ \$500.00 or less was paid to acquire the vehicle; and

(J) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(3) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration."

PART II

SECTION 2-1.

Code Section 40-3-36 of the Official Code of Georgia Annotated, as amended by Section 21(b) of Ga. L. 2011, p. 355, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection (a) as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth ~~\$850.00~~ \$500.00 or less and is at least ~~12~~ 20 model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle including the year, make, model, vehicle identification number, and color;

- (C) The name, address, and driver's license number of the owner;
- (D) A certification that the owner:
- (i) Never obtained a title to the vehicle in his or her name; or
 - (ii) Was issued a title for the vehicle, but the title was lost or stolen;
- (E) A certification that the vehicle:
- (i) Is worth ~~\$850.00~~ \$500.00 or less;
 - (ii) Is at least ~~12~~ 20 model years old; and
 - (iii) Is not subject to any secured interest or lien;
- (F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00, or both, to knowingly falsify any information on this statement;
- (G) The owner's signature and the date of the transaction;
- (H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;
- (I) A certification by the business that ~~\$850.00~~ \$500.00 or less was paid to acquire the vehicle; and
- (J) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.
- (3)(A) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration.
- (B) Notwithstanding the requirement to mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department, the department shall provide a mechanism for the receipt of the information required to be obtained in the statement by electronic means, at no cost to the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the statement, in which case the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall maintain the original statement for a period of not less than two years.
- (C) Within 48 hours of each day's close of business, the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, either by facsimile or by other electronic means to be made available by the department by January 1, 2012, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

- (i) The name, address, and contact information for the reporting entity;
- (ii) The vehicle identification numbers of such vehicles;
- (iii) The dates such vehicles were obtained;
- (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;
- (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;
- (vi) A statement of whether the vehicle is intended for export out of the United States; and
- (vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

There shall be no charge to ~~either~~ a secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor associated with providing this information to the department.

(D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible, in which case the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or contract between the seller and the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor which clearly identifies the seller by a government issued photograph identification card, or employer identification number, and shall be maintained for a period of not less than two years.

(E) The information obtained by the department in accordance with this subsection shall be reported to the National Motor Vehicle Title Information System, in a format which will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(F) The information obtained by the department in accordance with this subsection shall be made available only to law enforcement agencies, and for purposes of canceling certificates of title, and shall otherwise be considered to be confidential business information of the respective reporting entities.

(G) All records required under the provisions of this Code section shall be maintained for a period of two years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card."

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PART III
SECTION 3-1.

445 (a) Except as provided in subsection (b) of this section, this Act shall become effective
446 July 1, 2012, and shall apply to all offenses committed on or after such date.
447 (b) Part II of this Act shall become effective only upon Section 21(b) of Ga. L. 2011,
448 p. 355 becoming effective.

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SECTION 3-2.
All laws and parts of laws in conflict with this Act are repealed.